



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

May 6, 2025

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully in response to the Court’s order dated April 8, 2025 (ECF No. 217), directing the parties to provide a joint status report on the pending issue of attorney’s fees in this matter. Pursuant to agreement with Plaintiffs’ counsel, the undersigned provides this report on behalf of Defendants, since Plaintiffs’ counsel is currently unavailable for an extended period (and because the relevant developments arise only on Defendants’ side).

Since the parties’ last report, Defendants have made additional progress with respect to securing approvals of a fully drafted settlement stipulation. The undersigned is continuing to work this week with reassigned agency counsel for each relevant component to advance Defendants’ drafted settlement stipulation through each components’ approval chain.

As previously reported, the parties continue to communicate and work together in good faith to hopefully avert the need to seek the Court’s adjudication of a fees motion, and believe that their current efforts represent the most efficient path to resolution. Mindful of the schedule set by the Court for motion practice, the parties have agreed to confer further once counsel for Plaintiffs is again available later this month, and will notify the Court if the Court’s assistance is needed.

The parties thank the Court for its consideration of this matter.

Respectfully,

JAY CLAYTON  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

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